

COMPLIANCE REVIEW

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N.A CHADERJIAN YOUTH CORRECTIONAL FACILITY



Prepared by:

California Department of Corrections and Rehabilitation  
Office of Audits and Compliance

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# WARDS WITH DISABILITIES PROGRAM

Temporary Departmental Order 06-71 and Wards with Disabilities Program Remedial Plan, Sections, I, VIII, and XIII

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## EXECUTIVE SUMMARY

The Office of Audits and Compliance, Compliance/Peer Review Branch (CPRB) utilized the Division of Juvenile Justice (DJJ), Temporary Departmental Order (TDO) 06-71 and the Wards with Disabilities Program (WDP) Remedial Plan, Sections I, VIII, and XIII to determine whether N.A. Chaderjian Youth Correctional Facility (NACYCF) is in compliance with the policies and identified areas outlined in the WDP Remedial Plan. The CPRB reviewed the following WDP action items: 35, 51, and 55.

The review period for the WDP action items was July 2008 through October 2009. Fieldwork was conducted on October 6 through October 7, 2009, with additional fieldwork completed on October 20, 2009.

The CPRB concludes that NACYCF is in noncompliance (NC) with the following:

- Ensuring the pre-Individualized Education Program (IEP) meetings are occurring.
- Ensuring the WDP Board Information report is in each field file.

The CPRB concludes that NACYCF is in partial compliance (PC) with the following:

- Ensuring youth receive educational services.
- Ensuring youth receive equal access to programs, services, and activities.

The findings are as follows:

- For action item 55, the pre-IEP meetings are not occurring on a consistent basis. The CPRB reviewed 10 Special Education files to determine whether pre-IEP meetings were occurring. Of the 10 files reviewed, 6 had no documentation indicating that a pre-IEP meeting occurred.
- For action item 35, the WDP Board Information report is not printed for each hearing and placed in the field file. The CPRB reviewed 10 youths' field files to determine whether the WDP Board Information reports were in the field files. Of the 10 files reviewed, 6 did not contain WDP Board Information reports.
- For action item 51, youths are not receiving their required 240 educational minutes. The CPRB reviewed 15 educational records in the Ward Information Network (WIN) to determine whether WDP youths were enrolled in school for 240 minutes daily. Of 15 WDP records reviewed, 2 youths were restricted from receiving 240 minutes of educational services.
- For action item 51, youths do not have equal access to programs, services, and activities. The CPRB reviewed the gang coordinator's restricted list to determine whether WDP youths were given equal access to programs, services, and activities. Of 8 WDP youths, 4 did not have equal access to programs, services, and activities.

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## BACKGROUND

On November 19, 2004, a Consent Decree was entered into in the case of *Farrell v. Allen*. The Consent Decree required the defendant, now the DJJ, to file Remedial Plans in all areas of deficiency identified by the Court appointed experts by January 31, 2005. In January 2005, in response to the Consent Decree, DJJ made the decision to reform California's juvenile system into a rehabilitative model based on a therapeutic environment.

The DJJ has established a Farrell Task Force Team to develop, implement, and measure compliance within the scope of the six Remedial Plans. As part of the Farrell Task Force, the CPRB is charged with assessing compliance and if applicable, recommending corrective actions related to the findings.

The CPRB will be reviewing specific action items that make up the six Remedial Plans. The action items that have been selected for review are based on risk to the Department. These issues include, but are not limited to, 18 items with a time sensitive date and key indicators. The review will be evaluated using a compliance rating system. Each action item will be evaluated by whether it is in substantial compliance (SC) 85 percent and above, PC 84 percent to 50 percent, and NC 49 percent and below. Items that result in a yes or no compliance level will be rated as SC or NC. Items that cannot be rated will be categorized as not ratable (NR). Due to the diversity and occasional abstract content of the action items, a numeric rating system cannot always be utilized. As a result, a narrative rating system will be used to evaluate the level of compliance.

The specific objectives of the review were to verify whether:

- The Superintendent is ensuring that due process and equal access occurs for youths with disabilities that require accommodations during Juvenile Justice Administrative Committee (JJAC) and Juvenile Parole Board (JPB) hearings;
- The Principal is ensuring that youth with disabilities enrolled in education programs have equal access to educational programs, services, and activities;
- Pre-IEP meetings are occurring;
- The Education Specialist is discussing the tenets of advocacy with the youth and surrogates prior to the IEP meeting; and
- The participating parent or surrogate alternative is serving as an advocate for the student.

The CPRB determined whether the objectives were met by reviewing:

- WDP Remedial Plan Court appointed expert's report, dated March 30, 2009.

#### **Action Item 35**

- WDP Remedial Plan, Section XIII;
- TDO 06-71;
- WDP Board Information report;
- Information obtained from interviewing the Parole Agent (PA) III;
- Information obtained from interviewing the JPB and JJAC members; and
- JPB and JJAC hearing observations.

#### **Action Item 51**

- WDP Remedial Plan, Sections I and VIII;
- TDO 06-71;
- WIN records; and
- Interviews with the youths, youth correctional counselors and Supervising Casework Specialist (SCWS)/Treatment Team Supervisors (TTS).

#### **Action Item 55**

- WDP Remedial Plan, Section VIII;
- TDO 06-71;
- Observed IEP meetings;
- Reviewed the memorandum from the Special Education Program Specialist dated February 9, 2009;
- Interviews with education staff; and
- Reviewed the California Education Authority Special Education Manual.

## CPRB Remedial Site Compliance Report

Item	Review Method and Action Items	SC	PC	NC	NR	Findings	Recommendation(s)
55	<p><b>Action Item:</b></p> <p>Each specialist that is assigned as a case carrier or alternate will discuss the tenets of advocacy with the ward and surrogates prior to the IEP meeting.</p> <p><b>Methodology:</b></p> <p>Reviewed the WDP Remedial Plan, Section VIII.</p> <p>Reviewed TDO 06-71.</p> <p>Reviewed the memorandum from the Special Education Program Specialist dated February 9, 2009.</p> <p><b>Criteria:</b></p> <p>WDP Remedial Plan, Section VIII, page 34.</p> <p>TDO 06-71, page 52.</p>			X		<p><b>Noncompliance</b></p> <p><b>Finding 1</b></p> <p>The pre-IEP meetings are not occurring on a consistent basis.</p> <p>Of the ten Special Education files reviewed, six had no documentation indicating a pre-IEP meeting occurred.</p> <p><b>Cause(s):</b></p> <p>The Special Education Case Carriers are not documenting the pre-IEP meetings on the access log in the Special Education files.</p> <p>When the pre-IEP and the IEP meetings are occurring on the same day, only one entry is indicated in the access log.</p> <p>The Special Education Case Carriers are not conducting the pre-IEP meetings.</p>	<p>1) Provide training to Special Education Case Carriers regarding the WDP requirements and ensure the training includes how to document the pre-IEP meeting on the access log, in the Special Education Files.</p> <p>2) Ensure the documentation pertaining to the pre-IEP meeting is completed in the access log by performing field file reviews.</p>

## CPRB Remedial Site Compliance Report

Item	Review Method and Action Items	SC	PC	NC	NR	Findings	Recommendation(s)
35	<p><b>Action Item:</b></p> <p>The Institutional PA/Casework Specialist shall place the Case Report Transmittal form, requesting accommodations during a parole hearing, in the Case Report section of the field file.</p> <p><b>Methodology:</b></p> <p>Reviewed the WDP Remedial Plan, Section XIII.</p> <p>Reviewed TDO 06-71.</p> <p>Reviewed the WDP Board Information report.</p> <p>Information obtained from interviewing the PA III.</p> <p>Information obtained from interviewing the JPB and JJAC members.</p> <p>JPB and JJAC hearing observations.</p> <p><b>Criteria:</b></p> <p>WDP Remedial Plan, Section XIII, page 51.</p> <p>Reviewed TDO 06-71, page 78.</p>			X		<p><b>Noncompliance</b></p> <p><b>Finding 2:</b></p> <p>The WDP Board Information report is not printed for each hearing and placed in the field file.</p> <p>Of the ten youths' field files reviewed, four WDP Board Information reports were printed after the hearing occurred.</p> <p>Of the same ten youths' field files reviewed, two WDP Board Information reports were not printed for the current hearing.</p> <p><b>Cause(s):</b></p> <p>Facility staff did not know how to process the WDP Board Information report.</p> <p>There was no training conducted on how to process the WDP Board Information report.</p>	<p>1) Provide training on processing the WDP Board Information report.</p> <p>2) Conduct field file reviews to ensure the WDP Board Information report is placed in the field files.</p>



## CPRB Remedial Site Compliance Report

Item	Review Method and Action Items	SC	PC	NC	NR	Findings	Recommendation(s)
51	<p><b>Action Item:</b></p> <p>The Principal shall ensure that education staff conducts continuous observations, to ensure all wards with disabilities enrolled in educational programs have equal access to programs, services, and activities.</p> <p><b>Methodology:</b></p> <p>Reviewed the WDP Remedial Plan, Section I.</p> <p>Reviewed the WDP Remedial Plan, Section VIII.</p> <p>Reviewed TDO 06-71.</p> <p>Reviewed the information in WIN.</p> <p>Interviewed the youths, youth correctional counselors, SCWS, and educators.</p> <p><b>Criteria:</b></p> <p>WDP Remedial Plan, Section I, page 2.</p> <p>WDP Remedial Plan, Section VIII, page 31.</p> <p>TDO 06-71, page 2.</p> <p>TDO 06-71, page 45.</p>		X			<p><b>Partial Compliance</b></p> <p><b>Finding 3:</b></p> <p>Youths are not receiving their required 240 educational minutes.</p> <p>Of 15 WDP records reviewed, 2 youths did not receive 240 minutes of educational services daily.</p> <p><b>Cause(s):</b></p> <p>WDP Southern Hispanic gang members were restricted from school.</p> <p>The facility restricted the Southern Hispanic gang member's educational services to the living unit due to safety and security concerns.</p>	<ol style="list-style-type: none"> <li>1) The Gang Coordinator, Conflict Resolution Team, TTS/SCWS, and Superintendent ensure youths are not restricted from school due to their gang affiliation.</li> <li>2) The Superintendent, TTS/SCWS, and Principal work collaboratively on developing operational procedures for conducting educational assessments on all incoming youths.</li> <li>3) The Superintendent, gang coordinator, Conflict Resolution Team, and Principal work collaboratively to identify all youth restricted from educational services.</li> <li>4) Develop an operational procedure to ensure youths receive all of their required educational services.</li> <li>5) Use the Disciplinary Decision Making System policy to document and hold the youths accountable for refusing to attend school.</li> </ol>

## CPRB Remedial Site Compliance Report

Item	Review Method and Action Items	SC	PC	NC	NR	Findings	Recommendation(s)
51	<p><b>Action Item:</b></p> <p>The Principal shall ensure that education staff conducts continuous observations to ensure all wards with disabilities enrolled in educational programs have equal access to programs, services, and activities.</p> <p><b>Methodology:</b></p> <p>Reviewed the WDP Remedial Plan, Section I.</p> <p>Reviewed the WDP Remedial Plan, Section VIII.</p> <p>Reviewed TDO 06-71.</p> <p>Reviewed the information in WIN.</p> <p>Interviewed the youths, youth correctional counselors, SCWS, and educators.</p> <p><b>Criteria:</b></p> <p>WDP Remedial Plan, Section I, page 2.</p> <p>WDP Remedial Plan, Section VIII, page 31.</p> <p>TDO 06-71, page 2.</p> <p>TDO 06-71, page 45.</p>		X			<p><b>Partial Compliance</b></p> <p><b>Finding 4:</b></p> <p>Youths do not have equal access to program services and activities.</p> <p>Four WDP youths did not have equal access to programs, services, and activities.</p> <p>On October 6, 2009, a special program was held in the gym. Four out of eight WDP youths on the gang restriction list were not permitted to attend.</p> <p><b>Cause(s):</b></p> <p>Safety and security reasons.</p>	<p>1) Ensure youths have equal access to all programs, services, and activities.</p>

## **Review of the Wards with Disabilities Program**

### **N.A. CHADERJIAN YOUTH CORRECTIONAL FACILITY**

#### **GLOSSARY**

<b>CPRB</b>	Compliance/Peer Review Branch
<b>DJJ</b>	Division of Juvenile Justice
<b>IEP</b>	Individualized Education Program
<b>JJAC</b>	Juvenile Justice Administrative Committee
<b>JPB</b>	Juvenile Parole Board
<b>NACYCF</b>	N. A. Chaderjian Youth Correctional Facility
<b>NC</b>	Noncompliance
<b>NR</b>	Not Ratable
<b>PA</b>	Parole Agent
<b>PC</b>	Partial Compliance
<b>SC</b>	Substantial Compliance
<b>SCWS</b>	Supervising Casework Specialist
<b>TDO</b>	Temporary Departmental Order
<b>TTS</b>	Treatment Team Supervisor
<b>WDP</b>	Ward with Disabilities Program
<b>WIN</b>	Ward Information Network